

Docket No. 740116-353

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re PATENT Application of

Bodo WIEGAND

Application No.: 09/997,248

Filed: November 30, 2001

For: METHOD AND SYSTEM FOR
OPTIMIZING EQUIPMENT MAINTENANCE**RECEIVED**
JUN 17 2002
OFFICE OF PETITIONS**PETITION TO RE-SET REQUIREMENT FOR NOTICE TO FILE MISSING PARTS
OF NON-PROVISIONAL APPLICATION UNDER 37 CFR 1.53(b)**Commissioner for Patents
Washington, D.C. 20231

Sir:

The above-identified unexecuted patent application was filed in the U.S. Patent and Trademark Office on November 30, 2001. On December 11, 2001 applicant's attorney received a date-stamped postcard showing the Application Number of 09/997,248 and filing date of November 30, 2001. On or about May 30, 2002 applicant's attorney secretary called the Office to see where the Notice to File Missing Parts was and she was informed that the Notice had been mailed out on December 17, 2001 and that a copy of this Notice was being re-sent to applicant's attorney but without resetting the due date being reset. On June 14, 2002 applicant's attorney received a Cover Letter for Resending Corresponding dated June 10, 2002 and Notice to File Missing Parts of Nonprovisional Application dated December 17, 2001. With the mail service being disrupted in the months of November and December 2001 it is evident that this piece of mail was somehow lost in the process of being sent from the U.S. Patent and Trademark Office since it was never received by applicant's attorney. In support of this Petition is a copy of the Case Information as of December 7, 2001, and as of

06/18/2002 AKELLEY 00000013 09997248

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130.00 OP

06/18/2002 NY 42504EV 00000013 09997248

the June 14, 2002 date of the re-sent Notice from which it can be seen that no papers were received from the Patent and Trademark Office during the intervening period.

It is respectfully requested that the date for responding to the Notice to File Missing Parts be re-set to provide adequate time to comply therewith and to eliminate extension of time fees that occurred without application's knowledge.

A Petition fee of \$130.00 is enclosed.

Respectfully submitted,

By: 

David S. Safran
Registration No. 27,997

NIXON PEABODY LLP
8180 Greensboro Drive, Suite 800
McLean, Virginia 22102
Telephone: (703) 770-9300

Dated: June 17, 2002

FEE TRANSMITTAL FOR FY 2002

Patent fees are subject to annual revision.

TOTAL AMOUNT OF PAYMENT (\$130.00)

Complete if Known	
Application Number	09/997,248
Filing Date	November 30, 2001
First Named Inventor	Bodo WIEGAND
Examiner Name	Unknown
Group Art Unit	Unknown
Attorney Docket No.	740116-353

METHOD OF PAYMENT

1. The Commissioner is hereby authorized to charge indicated fees and credit any overpayments to:

Deposit Account Number

19-2380(740116-353)

Deposit Account Name

Nixon Peabody LLP

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JUN 17 2002

Charge Any Additional Fee Required Under 37 CFR 1.16 and 1.17

Applicant claims small entity status. See 37 CFR 1.27

2. Payment Enclosed:

Check Credit Card Money Order Other

FEE CALCULATION

1. BASIC FILING FEE

Large Entity Fee Code	Small Entity Fee Code	Fee Description		Fee Paid
101	740	201	370	Utility filing fee
106	330	206	165	Design filing fee
107	510	207	255	Plant filing fee
108	740	208	370	Reissue filing fee
114	160	214	80	Provisional filing fee

SUBTOTAL (1) (\$0)

2. EXTRA CLAIM FEES

Total Claims -20** = X = Fee Paid

Independent Claims -3*** = X = Fee Paid

Multiple Dependent = Fee Paid

Large Entity Fee Code	Small Entity Fee Code	Fee Description		Fee Paid
103	18	203	9	Claims in excess of 20
102	84	202	42	Independent claims in excess of 3
104	280	204	140	Multiple dependent claim, if not paid
109	84	209	42	** Reissue independent claims over original patent
110	18	210	9	** Reissue claims in excess of 20 and over original patent

SUBTOTAL (2) (\$0)

**or number previously paid, if greater; For Reissues, see above

3. ADDITIONAL FEES		Fee Description		Fee Paid
Fee Code	Large Entity Fee (\$)	Small Entity Fee (\$)	Fee Description	Fee Paid
105	130	205	65 Surcharge – late filing fee or oath	
127	50	227	25 Surcharge – late provisional filing fee or cover sheet	
139	130	139	130 Non-English transaction	
147	2,520	147	2,520 For filing a request for <i>ex parte</i> reexamination	
112	920*	112	920* Requesting publication of SIR prior to Examiner action	
13	1,840*	113	1,840* Requesting publication of SIR after Examiner action	
115	110	215	55 Extension for reply within first month	
116	400	216	200 Extension for reply within second month	
117	920	217	460 Extension for reply within third month	
118	1,440	218	720 Extension for reply within fourth month	
128	1,960	228	980 Extension for reply within fifth month	
119	320	219	160 Notice of Appeal	
120	320	220	160 Filing a brief in support of an appeal	
121	280	221	140 Request for oral hearing	
138	1,510	138	1,510 Petition to institute a public use proceeding	
140	110	240	55 Petition to revive – unavoidable	
141	1,280	241	640 Petition to revive – unintentional	
142	1,280	242	640 Utility issue fee (or reissue)	
143	460	243	230 Design issue fee	
144	620	244	310 Plant issue fee	
122	130	122	130 Petitions to the Commissioner	130.00
123	50	123	50 Processing fee under 37 CR 1.17(q)	
126	180	126	180 Submission of Information Disclosure Stmt	
581	40	581	40 Recording each patent assignment per property (times number of properties)	
146	740	246	370 Filing a submission after final rejection (37 CFR § 1.129(a))	
149	740	249	370 For each additional invention to be examined (37 CFR § 1.29(b))	
179	740	279	370 Request for Continued Examination (RCE)	
169	900	169	900 Request for expedited examination of a design application	
Other fee (specify) _____				

* Reduced by Basic Filing Fee Paid SUBTOTAL (3) (\$130.00)

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to Commissioner for Patents, Washington, DC 20231, on _____.

Name: _____

Complete (if applicable)

Name (Print/Type)	David S. Safran	Registration No. (Attorney/Agent)	27,997	Telephone	703-770-9300
Signature	_____ David S. Safran				
	Date	June 17, 2002			

Please type a plus sign (+) inside this box → [+]

PTO/SB/21 (08-00)

Approved for use through 10/31/2002. OMB 0651-0031

U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

TRANSMITTAL FORM <i>(to be used for all correspondence after initial filing)</i>		Application Number	09/997,248
		Filing Date	November 30, 2001
		First Named Inventor	Bodo WIEGAND
		Group Art Unit	Unknown
		Examiner Name	Unknown
Total Number of Pages in This Submission		Attorney Docket Number	740116-353

ENCLOSURES (check all that apply)

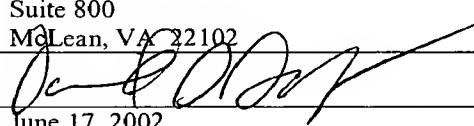
<input checked="" type="checkbox"/> Fee Transmittal Form <input checked="" type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment / Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/ Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Assignment Papers <i>(for an Application)</i> <input type="checkbox"/> Drawing(s) <input type="checkbox"/> Declaration and Power of Attorney <input type="checkbox"/> Licensing-related Papers <input checked="" type="checkbox"/> Petition to Re-set Requirement for Notice to File Missing Parts of Non-Provisional Application Under 37 CFR 1.53(b) <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____	<input type="checkbox"/> After Allowance Communication to Group <input checked="" type="checkbox"/> Copy of Cover Letter for Resending Correspondence; Copy of Notice to File Missing Parts of Nonprovisional Application dated December 17, 2002; Copy of Case Information dated December 7, 2001 and Copy of Cse Information dated June 14, 2002
Remarks		<input checked="" type="checkbox"/> The Commissioner is hereby authorized to charge any additional fees required or credit any overpayments to Deposit Account No. 19-2380 for the above identified docket number.

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JUN 17 2002

OFFICE OF PETITIONS

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual name	David S. Safran, Reg. No. 27,997 Nixon Peabody LLP 8180 Greensboro Drive Suite 800 McLean, VA 22102
Signature	
Date	June 17, 2002

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, Washington, DC 20231 on this date: _____

Type or printed name	
Signature	Date _____

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, Washington, DC 20231.